

Atty. Docket No. YOR-2000-0132
(590.009)

REMARKS

Applicant and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

Applicant notes the application is objected to for allegedly failing to contain an abstract of the disclosure. Submitted herewith is a copy of page 37 of the application as filed, which is an abstract of the disclosure, together with a copy of the stamped postcard receipt indicating the application as filed with the Office included an abstract. Accordingly, it is respectfully requested this objection be withdrawn.

Claims 1 - 21 were pending in the instant application at the time of the outstanding Office Action. Of these claims, Claims 1, 11, and 21 are independent claims; the remaining claims are dependent claims. Claims 1-4, 7, 10-14, 20-21 stand rejected under 35 USC § 102(e) as being anticipated by Bowers et al. Claims 5-6, 8, 15-16, and 18 stand rejected under 35 USC § 103(a) as being unpatentable over Bowers et al. in view of Scheidt et al. Claims 9 and 19 stand rejected under 35 USC § 103(a) over Bowers et al. in view of Scheidt et al. and further in view of Nerlikar. The rejections of Claims 1 - 21 are respectfully traversed. Reconsideration and withdrawal of the present rejections are hereby respectfully requested.

The rejections of the claims appears to be based in significant part upon a misunderstanding of the term "intelligent agent" as that term is used in the claims of the

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present application. (See Office Action at 2; "Bowers' patent discloses an identifier which ascertains the location of an entry intelligent [agent ; sic] attempting to gain access to the location"; citing Col. 4, lines 59-66, Col. 6, lines 29-34, and Col. 15, lines 56-63)). A review of Bowers et al., however, shows that Bowers et al. is directed to RFID tags, not "intelligent agents" as this term is used in the present application.

Bowers et al. is directed to physical items which are physically handled by humans. For example, Fig. 1 of Bowers et al. "shows general details of a sample RFID tag 10 suitable for use with the present invention." (Col. 4, lines 59-60) Bowers et al. continues, stating "[t]he RFID tag 10 becomes an intelligent security tag when used in embodiments wherein the tag 10 is attached to articles." (*Id.*, lines 60-62) Furthermore, "[o]nce all of the articles are tagged ... the articles are made accessible to customers or patrons within predefined surroundings." (Col. 6, lines 65-67) Thus, in Bowers et al. the RFID tag itself is a physical item which is attached to another physical item. Both physical items are intended to physically handled by a human. To the extent Bowers et al. is concerned with determining location, it is determining the location of a physical item (such as a consumer good).

In contrast, an "intelligent agent" in accordance with the present invention is not a physical item, but is a "special program packet[] that can move in a network from one computer to another." (Specification, Page 1, lines 6-7) As such, an "intelligent agent" is not a physical item but exists virtually and is "capable of performing intelligent tasks inside computers". (Specification, Page 2, lines 1-2) Thus, the present invention is not

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directed to determining the location of a physical item, but rather to determining the location of a virtual "special program packet".

The applied references clearly fall short of the present invention (as defined by the independent claims) as determining the location of virtual, non-physical, items are simply not contemplated by the applied references. As such, Bowers et al. does not anticipate the present invention under 35 U.S.C. 102(e). Furthermore, a 35 U.S.C. 103(a) rejection requires that the combined cited references provide both the motivation to combine the references and an expectation of success. Not only is there no motivation to combine the references and no expectation of success, actually combining Bowers et al., Scheidt et al., and/or Nerlikar would not produce the claimed invention. Thus, the claimed invention is patentable over the applied references and the state of the art.

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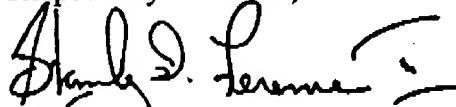
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In summary, it is respectfully submitted that the instant application, including Claims 1 - 21, is presently in condition for allowance. Notice to that effect is earnestly solicited. In the unlikely event the Office does not agree the application is in condition for allowance, Applicant respectfully request an interview with the Examiner prior to the next Office Action in this case.

Respectfully submitted,



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Enclosures